



Senate

General Assembly

File No. 609

January Session, 2005

Substitute Senate Bill No. 1125

Senate, May 2, 2005

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING THE STATE'S CLAIM AGAINST A PERSON
FOUND NOT GUILTY OF A HOMICIDE BY REASON OF MENTAL
DISEASE OR DEFECT FOR THE COSTS OF SUCH PERSON'S CARE
AND SUPPORT IN A STATE INSTITUTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) If any person who is found
2 not guilty by reason of mental disease or defect pursuant to section
3 53a-13 of the general statutes of any crime under section 53a-54a, 53a-
4 54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a of the general statutes and is
5 committed to the jurisdiction of the Psychiatric Security Review Board,
6 inherits or receives any part of the estate of the deceased or receives
7 any property as beneficiary or survivor of the deceased or, as a named
8 beneficiary of a life insurance policy or annuity of the deceased,
9 receives any benefit under the policy or annuity, the Attorney General
10 may, in his or her discretion, elect not to pursue a claim against such
11 person for the costs of such person's support and care in a state
12 institution if to do so would have an adverse financial impact on minor

- 13 children of the deceased.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Attorney General	GF - Revenue Loss	Potential	Potential

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill permits the Attorney General, under certain conditions, to elect not to pursue a claim to recover costs associated with a person's support and care in a state institution if to do so would have an adverse financial impact on minor children of the deceased. This could decrease the likelihood of future recoveries which, although infrequent, could be significant in any single case.

OLR Bill Analysis

sSB 1125

AN ACT CONCERNING THE STATE'S CLAIM AGAINST A PERSON FOUND NOT GUILTY OF A HOMICIDE BY REASON OF MENTAL DISEASE OR DEFECT FOR THE COSTS OF SUCH PERSON'S CARE AND SUPPORT IN A STATE INSTITUTION**SUMMARY:**

This bill gives the attorney general discretion not to pursue a claim against a person for the costs of his support and care in a state institution when:

1. the person was found not guilty by reason of mental disease or defect for a homicide and is committed to the Psychiatric Security Review Board's jurisdiction;
2. he inherits or receives part of the deceased's estate as beneficiary or survivor or receives a benefit as a named beneficiary on the deceased's life insurance policy or annuity; and
3. it would have an adverse financial impact on the deceased's minor children.

The bill applies to the crimes of murder, capital felony, felony murder, arson murder, 1st degree manslaughter, and 1st degree manslaughter with a firearm.

By law, the Department of Administrative Services is authorized to collect the costs of a person's stay in a state institution. The attorney general can become involved in seeking court orders and enforcement in the collection process.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute
Yea 39 Nay 0